

**U. S. Jury Indicts:
2 Marx Brothers**

Los Angeles, April 24 (AP).—The Federal grand jury today indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national espionage laws, a fifth

They were accused of broadcast-
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of the British War Office for they
were issued and had was all
of 1940 week. Chapter's writing
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28.377-1-

WASH 1455

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BEST COPY AVAILABLE

Two Marxes Indicted Under Copyright Law

Los Angeles, April 14 (AP).—The Federal Grand Jury today indicted two of the Marx brothers, Groucho and Chico, on charges of violating the national copyright laws, a misdemeanor.

They are accused of broadcasting over the radio last September a skit, "Mr. Diffie and Mr. Duffin," without permission of the writers, Carroll Graham and Carroll Graham.

Warrants for the arrest of the Marx brothers were issued and set for set at \$1,000 each.

William Flint Palmer, assistant federal attorney, and conviction on the charges.

They are accused of not giving them 14 days in jail, maximum fine of \$1,000 or both.

The Graham brothers usually



Groucho Marx

filed a \$25,000 damage suit against Groucho and Chico Marx, the Columbia Broadcasting System, Radio Los Angeles and the R. J. Reynolds Tobacco Co. in connection with production of the skit.

The Marx brothers, answering the civil suit, denied the copyright violation charges, declaring the script they said was written by Al Rosenberg, Hollywood author, in collaboration with the Graham brothers and that Rosenberg copyrighted their use of the script.

Handwritten:
Fair
Hood
10

NEW YORK DAILY NEWS

Forwarded by the Post Office

APR 15 1937

28-397

MARK BROTHERS 2 Indicted On Skit

LOS ANGELES (AP)—The Federal Grand Jury yesterday indicted two of the Marx Brothers, Groucho and Chico, on charges of violating the national copyright laws, a wire-column.

They are accused of broadcasting last September a satiric skit titled "Mr. Cockey" without permission of the writers, Carroll and Connel Graham.

Skits made for the arrival of the Marx Brothers were heard and left the air at 11:30 p.m.

William Frank Palmer, assistant United States attorney, said evidence in the charges show violations of the laws that 250 days in jail, with fines that of \$100 or less.

Just
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28-319-18

REPLACES LINDER
REDAI, U. S. A.
6-13-37

BY UNITED STATES OF AMERICA
U. S. A.

Two-Starred Indicted

[illegible]

... 977

28-399-12

BEST COPY AVAILABLE

Indict 3 Marx Bros. On Copyright Charge

The United States District Court for the Southern District of New York today indicted three members of the Marx Bros. comedy team on charges of copyright infringement.



The indictment, returned by a grand jury, charges the three brothers with the unauthorized use of copyrighted material in their recent films. The brothers are: Chico Marx, Groucho Marx, and Harpo Marx. The indictment is part of a larger case involving the Marx Bros. and their alleged infringement of the copyrights of the late writer, Al Capone.

The indictment, returned by a grand jury, charges the three brothers with the unauthorized use of copyrighted material in their recent films. The brothers are: Chico Marx, Groucho Marx, and Harpo Marx. The indictment is part of a larger case involving the Marx Bros. and their alleged infringement of the copyrights of the late writer, Al Capone.



The indictment, returned by a grand jury, charges the three brothers with the unauthorized use of copyrighted material in their recent films. The brothers are: Chico Marx, Groucho Marx, and Harpo Marx. The indictment is part of a larger case involving the Marx Bros. and their alleged infringement of the copyrights of the late writer, Al Capone.

Indict
Marx
TH

28-377-N

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2 Marx Boys' Radio Skit Under Probe

CHICAGO (AP) — The Federal Bureau of Investigation is probing the possibility that two boys, who are alleged to have written a radio skit about the assassination of President John F. Kennedy, may have been involved in the assassination itself.

The boys, who are 15 and 16 years old, are alleged to have written a radio skit about the assassination of President Kennedy, which was broadcast on a Chicago radio station in 1963. The skit was alleged to have been written by the boys, who are alleged to have been in contact with a person who was alleged to have been involved in the assassination.

The FBI is probing the possibility that the boys may have been involved in the assassination itself. The FBI is also probing the possibility that the boys may have been involved in the assassination of President Kennedy.

38-399-15

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FEDERAL BUREAU OF INVESTIGATION

BEST COPY AVAILABLE

BEST COPY AVAILABLE

100-200

100-200

JUL 22, 1937

Special Agent in Charge,
Los Angeles, California

RECEIVED
JUL 22, 1937
CONTAINING

Dear Sir:

The Bureau desires that it be kept in mind
the exact status of this case at the present time.

Very truly yours,

J. Edgar Hoover
Director

N

COMMUNICATIONS SECTION
JUL 19 1937
MAIL ROOM

FEDERAL BUREAU OF INVESTIGATION

REPORT OF	DATE	FILE NO.
LOS ANGELES		
SUBJECT		
CHARACTER OF CASE		
SYNOPSIS		
DETAILS		
CONCLUSIONS		
REMARKS		
SIGNATURE		
TITLE		
DATE		
OFFICE		
SUPERVISOR		
APPROVED		
SPECIAL AGENT IN CHARGE		

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UNRECORDED LINE

TO: SAC, LOS ANGELES (100-100000)
FROM: SAC, NEW YORK (100-100000)
SUBJECT: GEORGE HENRY HARRIS, JR.; AKA; RACIAL MATTER

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First Round Won by — Comedy Pair



Wells were looking up for themselves. Governor and Chief Justice to Federal Judge George C. Sweeney's court yesterday when the judge took under advisement a motion for dismissal of an indictment charging the seven men with "obscure" portions of a manifesto written by Carl and Ethel Smith.

A charge for the defendants against the indictment failed to set forth a sufficient state of crime.

The "obscure" matter was still to have been used by the Bureau as a foundation for a national manifesto last March. The manifesto, however, denied the Bureau was involved in any conspiracy against the United States.

The Bureau believed through the manifesto that if the Bureau for disclosure to them, they would not only tell the law but also the public.

[illegible]

Harry A. Jaffe May Plead in Copyright Case

Facing charges of copyright infringement, Harry A. Jaffe, 37, of the New York City, is expected to plead before Federal Judge George Conway today.

In the Federal indictment the two brothers are accused by Chevrolet and Carol Graham, writers, with asserted unauthorized use in a national radio broadcast of a script titled "The Hollywood Adventure" of Mr. Jaffe, and Mr. Graham.

The indictment alleges that the brothers used the script for a radio broadcast, and that they used the script for a radio broadcast.

S. J.
Scott

28-399-10

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Groncho, Chico Mark Face Federal Court

Groncho, the man who was
in the prison for the
last 10 years, and Chico
Mark, the man who was
in the prison for the last
10 years, are now in
the federal court.



GRONCHO MARK
Fame Copyright
Infringement Charge

He is accused of
being a person who
has been in the
prison for the last
10 years, and who
has been in the
prison for the last
10 years.

and who has been in
the prison for the last
10 years, and who has
been in the prison for
the last 10 years.

According to the
federal court, the man
who was in the prison
for the last 10 years,
and who has been in
the prison for the last
10 years, is now in
the federal court.

The man who was in
the prison for the last
10 years, and who has
been in the prison for
the last 10 years, is
now in the federal court.



CHICO MARK
Fame Copyright
Infringement Charge

Scott

7-371-15

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28-399-11X

lcc/aa

Bu. File #

October 6, 1937

United States Marshal,
Los Angeles, Calif.

Dear Sir:

Referring to fingerprints forwarded by you, please be advised that an examination of the fingerprint records of the Federal Bureau of Investigation fails to disclose any data concerning the following:

JOHN JAMES HENRY

Copy to:
San Field Div.,
Los Angeles,
Calif.

CC-Bureau

RECORDED

INDEXED

28-399-11X

Very truly yours,

COMMUNICATIONS SECTION
MAILED

OCT 10 - 1937

John Edgar Hoover
Director

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

WFS:LL
28-379

Date October 16, 1937
10:55 A. M.

MEMORANDUM FOR MR. Tamm

Re: GROUCHO MARX, et al;
COPYRIGHT ACT.

b7C [redacted] in [redacted] Office of the Criminal Division called, requesting to know if the Bureau had received any information subsequent to the report of Special Agent [redacted] dated August 19, 1937, at Los Angeles, California, in the above entitled matter. I advised her I did not know offhand whether a report had been received, but that I did know the Bureau was in receipt of several newspaper clippings relative to this case.

b7C I called this file and ascertained that the Bureau had not received a report since that of Agent [redacted] and [redacted] was advised to this effect. At this time, she referred me to [redacted] in the Criminal Division, and I informed him that from a newspaper clipping which appeared in the Los Angeles Daily News for September 28, 1937, it appeared the court at Los Angeles had taken under submission a motion for dismissal of an indictment charging the Marx Brothers with violation of the Copyright Act. I further informed him this newspaper clipping indicated that the Marx Brothers had declared through their attorneys that if the motion for dismissal is denied they will plead not guilty and ask for an early trial.

b7C [redacted] stated that apparently from the information he had received this motion had been decided, and said he could greatly appreciate it if this Bureau could ascertain the status of this case at the present time. Accordingly, I have prepared a telegram for the Los Angeles office, requesting it to submit a report immediately reflecting the status of this case, and I informed [redacted] that immediately upon receipt of a report a copy would be forwarded to the Criminal Division.

62-397-12

RECORDED

[Handwritten signature]
A. E. [unclear]

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

100-379

For COMMUNICATIONS SECTION

Transmit the following message in:

a/

URGENT 10/10/54 10:10 PM
FROM SAC, NEW YORK (100-379) TO DIRECTOR, FBI (100-379)
RE: [illegible]

y

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

WESTERN UNION

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Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

RECEIVED
OCT 20 P.M.
25-399

October 14, 1937

MEMORANDUM FOR MR. Tamm

Re: Grecoche Marx, et al
CONSPIRACY ACT.

Reference is made to my memorandum dated October 16, 1937, advising that [redacted] of [redacted] Office, Criminal Division of the Department, had called me relative to the status of the above entitled case.

Upon receipt of a telegram dated October 16, 1937 from the Los Angeles Office advising that the motion to dismiss the indictment had been denied and that the defendants were to plead not guilty on October 13th, the trial being set for October 23, 1937, I immediately called [redacted] and advised her of this information, at which time she stated she would give this information to both [redacted] and [redacted].

At 3:00 P.M. on the same date, [redacted] called to verify this information and I also gave him the information set forth in this telegram and informed him that as soon as a report was received a copy thereof would be immediately forwarded to him.

Respectfully,

E. L. Scott

E. L. Scott:

25-399-14

OCT 25 1937

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POSTAL

OCT 16 1937

WIS 24 POST COLLECT VIA MARVAY RADIO
FM LOSANGELES CALIF 1305 OCT 16 1937

DIRECTOR

FBI JUSTICE WASHN DC

CHOUCHO MARK ETAL COPYRIGHT. MOTION TO DISMISS DENIED
TO PLEAD NOT GUILTY OCTOBER EIGHTEENTH. TRIAL TO BE SET FOR
OCTOBER TWENTY EIGHTH

MANSON..

933P

RECORDED

24-311-15
FBI
OCT 16 1937

POSTAL

OCT 30 1937

NOV 1 11 19 COLLECT VIA MONEY ORDER

PAID BY POSTAL NOTE

TO ORDER

FBI JUSTICE BLDG DC

RECEIVED MAY 1937. JURY RETURNED VERDICT

BOTH DEFENDANTS WERE TODAY SENTENCED

WASH DC

1937

BEST COPY AVAILABLE

POST

1937

TO 10 COLLECT ONLY

LOS ANGELES CALIF 4150 NOV 8 1937

DIRECTOR FEDERAL BUREAU OF INVESTIGATION

U S DEPT OF JUSTICE (VIA MCKAYRAT10)

GEORGE MARK ETAL COPYRIGHT USDC HERE JUST IMPDET SENTENCE
THIRTY DOLLARS EACH DEFENDANT STATE COMMITTED UNTIL 1937

WALSON..

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3 Marx Brothers Face Trial Today

Indicted by the Federal grand jury on charges of copyright "piracy," Groucho and Chico Marx, along with film adaptations, today are scheduled to go to trial before a jury in the court of Federal Judge George C. Green.

The Marx Brothers allegedly produced over a nationwide tour a copyrighted radio play, "The Hollywood Adventures of Mr. White and Mr. Brown," allegedly written by Carroll and Connel Smith, in 1934.

78-371A

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Grascho and Chino Tell True Names

Pair Deny Charge of
U. S. Copyright
Infringement

Grascho and Chino, Mary & the Famous Mary Brothers, made personal appearance in United States District Judge George C. Conover's court yesterday, pleaded not guilty to charge of copyright infringement and so denied their own names.

"Grascho Bros." is the name of the "Famous Mary Brothers" and "Chino Bros." is the name of the "Famous Mary Brothers."

"We, the Famous Mary Brothers," said Grascho.

Chino made known that he is Mary Mary. Following the plea of not guilty, one of the Mary Brothers, Grascho and Chino, or Chino and Grascho, was put on the stand. They are represented by Harry Wright, Assistant United States Attorney, Carl K. Smith, counsel for the Government.

The Mary Brothers are charged with infringing upon the copyright of the Mary Brothers.

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Groucho and Chico To Appear for Sentence Today

Groucho and Chico Marx, two-thirds of the Marx Brothers comedy team, will play roles in what they strongly insist is a tragedy today when they appear in Federal Court to be sentenced for criminal infringement of the copyright laws in connection with a radio skit. They face a maximum penalty of a \$10,000 fine or one year in jail, or both.

It took a jury in Federal Judge George C. Conover's court just 45 minutes—less time than it takes to show a Marx Brothers picture—to convict the comedy team.

Groucho and Chico Marx, brothers and the two Marx Brothers used the skit, entitled "The Hollywood Adventures of Mr. Little and Mr. Dabkin," with the paying the Gralhams for it. It was expanded attorney for the comedians would appear for sentence. The conviction was the first obtained here in several years, although several other copyright infringement suits have been filed here.

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2 MARX BROS. FOUND GUILTY OF PIRATING

Groucho and Chico Convicted on
Charge of Violating Federal
Laws Covering Copyrights

FACE ONE-YEAR AND TERM

Movie Comedians Will Appeal
Verdict; Pair to Appear
Tomorrow for Sentence

Groucho and Chico Marx, who earn fabulous sums by being funny, didn't feel a bit mirthful yesterday.

A jury in Federal Judge George Conway's court took just 67 minutes to find the Marx brothers guilty of violating the Federal copyright laws.

The two, among the most highly paid entertainers in the world, were charged with converting to their own use a radio tower which had been submitted to them for possible purchase.

They face a penalty of a year in jail or \$1000 fine. Judge Conway instructed the Marxes to appear tomorrow for sentence.

The special session of the court was held in the Federal Court House in New York City. The Marxes were represented by their attorneys, and the government was represented by the United States Attorney. The trial began with the reading of the indictment, which charged the Marxes with converting to their own use a radio tower which had been submitted to them for possible purchase. The Marxes denied the charges and claimed that they had purchased the tower legally. The government argued that the Marxes had converted the tower to their own use without paying for it. The trial continued with the presentation of evidence and the testimony of witnesses. The jury deliberated for 67 minutes before reaching a verdict. The Marxes were found guilty of violating the Federal copyright laws. They will appear tomorrow for sentence.

ELABORATE DEFENSE

At that moment Attorney Charles Thomas began to lay out his defense.

"I am here," he said, "and certainly am in a position to show that there is a guilty verdict. I wish to take exception to it."

"The indictment," Judge Conway replied calmly, "would refer to any verdict, guilty or innocent."

Shortly before the jury began its deliberations, Groucho had wandered through the courtroom, laughing with a wide grin. "Where can we find a jail where the boys play the right kind of bridge?"

But his expression changed as he watched the other members of the jury.

Groucho sat with his face fixed to his hands as the judge delivered his instructions.

Chico reacted nervously to his chair and played with a pencil. Assistant United States Attorney

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Marx Brothers Ask Advice On Best Prison

The comedians Groucho and Chico Marx asked for advice on what to do about the Federal Judge George C. ...

The pair are charged with ...
The Adventures of ...
and ...
Chico and Groucho ...
the ... who was the ...
Government ...

"Why Judge we never ...
anything ...
Groucho and ...
guitar. "Why we pay and pay
and pay ...

"That will be enough of this."
the Federal ... and for
the first time in the trial, the
main ... then turned
to a look of deep ...

During the ...
... the ...
... and asked a
...
...

"What's the best we can get
on a ... and what's the
best prison? What I want to
know are the most ...
... that ...
is ...

The ...
... were ...
the ... in all
... "This is a
... we ...

Both the Marx brothers ...
and they had ...
... in the ...
... but ...
... they had ...

"Why is it, we get a ...
on the ... and a ...
Groucho ...

"I ... with ...
... to ...
... to ...
... to ...
... to ...

The ...
... of the ...
... in ...
... of ...
... to ...

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Marx Brothers Case Near Jury

Closing Arguments In Copyright Trial Scheduled for Today

Closing arguments in the trial of Groucho and Chico Marx, film and radio comedians, are to be made today and the copyright infringement criminal case is expected to go to the jury by noon.

Both defendants vehemently denied guilt when they took the witness stand yesterday.

Testimony in United States District Judge Clegg's court disclosed that the Marx brothers and their radio script writer, the late Al Boasberg, said the plot to dispute in August, 1933, but discarded it because their plans to go on the radio were postponed for a year.

The script, "The Tailcoat Adventure of Mr. Deane and Mr. Dobbie," written by George Lord Carroll Collins, Boston, an agency was presented almost three years ago to a motion picture producer by the two Marx brothers on September 1, 1933. Aug. 19 A-12. Ex-1000 changed

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Glum Groucho & Chico Marx Await Sentence in Theft of Radio Skit

HOLLYWOOD, Nov. 1.—Groucho and Chico Marx were called into Federal Court today to be sentenced for violating the copyright law.

Groucho, 37, says he and Chico, 35, were the ones who wrote the skit. He says the Marx brothers gave them the idea and told them to write it. Groucho and Chico are being sentenced to 30 days in jail and to pay a fine of \$100 each. They are being sentenced for the same reason as if they had written the skit.

APPEAL EXPECTED

Maximum penalty for the offense is a year's imprisonment and a \$1000 fine. There was little likelihood the celebrated comedians would go to jail, because their attorney was preparing to appeal from their conviction.

They were at liberty under \$5000 bond each awaiting sentence after a jury found them guilty in 45 minutes (Monday) of using a skit for a radio broadcast without paying for it.

A DIRECT STEAL

The skit was the one they composed the skit were also brothers, Groucho and Chico Marx. The Marx Brothers presented it as "The Hollywood Adventure of Mr. Groucho and Mr. Chico" and the Groucho brothers said it was a direct steal for a script they had submitted to the Marxes for approval.

It was the first conviction on copyright infringement charges in several years at the movie colony.

ONLY 2 INVOLVED

Only two of the original team of four Marx brothers were involved. Groucho, identified with the short "Mustache" — Chico, and Chico, whose specialty is a loud, guttural, hoarse, the radio version of the team. Chico's radio performance had to be cut in the radio performance. Chico has quit the act to become a radio actor.



GROUCHO MARX

Groucho, looking to the fact that the Groucho brothers were in the act of not using a license to use the radio program broadcast. When he did have someone to write a script, he said he used a Groucho, Chico Marx, to prepare a script for the radio. The Groucho brothers said it was a direct steal for a script they had submitted to the Marxes for approval.

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Court Convicts The 'Mad Marxes'

LOS ANGELES, (P)—Groucho and Chico Marx, movie comedians, were convicted in Federal Court yesterday of infringing on a copyright in a radio broadcast—a verdict that Groucho said in tragic tones "might mean a jail job for us."

After the verdict, he and Chico, equally serious, had nothing to say.

The misdemeanor conviction carries a maximum fine of \$1,000 or maximum jail sentence of one year, or both.

Judge George Clegg said sentence would be imposed next Monday. Defense counsel declared they would ask for a new trial.

While the jury was out the Marx brothers solemnly told reporters they had been in "show business" for many, many years and never had any idea of "stealing" anything.

As far as could be seen, this is the first time in the history of the Hollywood film industry that any one has been convicted of plagiarism charges. There have been many civil suits for damages charging theft of money made from

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Marx Pair Guilty Of Copyright Violation

2 Film Comedians
Face Year in Jail
Or \$1,000 Fine

LOS ANGELES, Oct. 28.—(AP)—A suburban jury sequestered just 67 minutes today to convict Graham and Chico Marx of violating the Federal Copyright laws.

The brothers, among the highest paid comedians of radio and screen, were found guilty of converting to their own use a radio show which had been submitted to them for approval.

FACE JAIL OR FINE

Faced with a penalty of 12 months or a year in jail, Clara and Graham, who lost their earlier trial when they went to court yesterday, announced they would seek a new trial immediately.

Federal Judge Clegg ordered the comedians to appear in court Monday for sentence.

"VIOLATION PROVEN"

A month before the judge was named his indictment. The jurors had heard Assistant U. S. Attorney Carl Smith, charged in his narrative that the jury was right.

"We have already proved," he said, "that there was violation of the copyright law of the United States in this case. We had a verdict of guilty."

Guilty
the jury

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2 Marx Brothers Fined \$2,000

Pair Plan Appeal In Copyright Case

LOS ANGELES Nov. 1.—(AP)—Groucho Marx and Chico Marx, screen comedians, were fined \$1,000 each by United States District Judge Clegg today on a charge of infringing a copyright.

Their attorney gave word earlier of appeal.

The Marx brothers were notified by a letter last Saturday of going to a radio broadcast to make "gay" material which Carroll and Garret Graham, producers of them previously and whom they had rejected.

The Marx brothers contended during their trial that the late Al Hirschfeld, screen writer, prepared the script they used in the broadcast. They declared they did not read the substance of the script, "The Public and Mr. Tuggle," submitted by the producers, and did not know their broadcast script was stolen.

Post Intelligence
Seattle, Washington
November 2, 1937

28-99
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Marx Brothers Fined \$1000 Each in Copyright Case

Comics Post Appeal Bond; Deny Guilt

Greenie and Chico Marx, comedy stars of the stage, screen and radio, yesterday were fined \$1000 each by United States District Judge Congrove for taking part in a copyrighted radio script.

The judge expressed a doubt as to the validity of the indictment on which the Marx brothers were convicted by a jury Saturday, but said he was convinced, as was the jury, that a deliberate appropriation of the copyrighted work was made.

FILE APPEAL BOND

The defendants were ordered committed to the Orange County Jail to remain there until the fines were paid, but upon the filing of an appeal bond they were permitted their liberty.

The central Marx brothers were extremely anxious to stay out of jail before the bar of justice and hoped the state judge would declare that whether the indictment was valid or not they had certainly committed a moral offense.

CARRIES LAW SUIT

The offense on which they stand convicted is classified as a misdemeanor and carries a maximum penalty of one year in jail or fine of \$1000, or both.

The Marxes were convicted of giving a radio script on September 1, 1934, without paying the authors, Carver and Charles Graham Brothers, who had obtained it to them for purchase.

This is the first conviction under the copyright laws among actors of motion picture stars in Federal court.

APPEAL PROBABLE

The attorneys of Greenie and Chico Marx, Thomas and Charles Sullivan, indicated they would appeal the verdict.

After the verdict, Carver and Graham made the police say that they were not the authors of the script.

Marx Brothers Fined \$2000

Continued from Page 1

The court of appeals in the case accepted by the state to determine if the state is to be bound by the verdict in a jury case.

Attorneys for the Marxes are working on appeal.

"Our knowledge of the facts of the case and our belief in the innocence of the Marxes is so strong that we are going to appeal the verdict," said the attorneys.

"We are going to appeal the verdict," said the attorneys.

the defendants are charged with the first of these offenses. The first offense is the taking of a radio script, but upon the filing of an appeal bond they were permitted their liberty.

The second offense is that the defendants were extremely anxious as they were jailed before the bar of justice and feared the stern judge declare that whether the indictment was valid or not they had certainly committed a moral offense.

CARRIES JAIL TERM

The offense on which they stand convicted is classified as a misdemeanor and carries a maximum penalty of one year in jail or \$1000 fine, or both.

The Marzes were convicted of taking a radio script on September 1, 1934, without paying the authors, Carroll and Carroll Graham, brothers, who had submitted it to them for purchase.

This is the first conviction under the copyright law among scores of similar cases filed in Federal court.

APPEAL PROBABLE

The defendants' attorneys, Lloyd Wright Clyde Thomas and Charles Sullivan, indicated they would appeal.

After the sentence, George Marx made the following statement:

"My brother and I after twenty-eight years of honest endeavor in the theatrical field, in which we hope we have brought to our public entertainment and happiness, are faced with the indignity of having been convicted of a misdemeanor.

"We know that we are innocent of ever intentionally taking anyone's property. In 1934 we have written for the stage, screen and radio broadcasts that original plots are difficult to obtain and consequently refused.

IMMEDIATELY TOLD

"That we should have been caught and during negotiations with a civil suit, indicted and then found guilty of an offense which we conscientiously never could not by the will of heaven or the imagination be convicted of leading to guilty.

"We fully tell of another's property in to say the least, very much.

"We have insured our lives to take an appeal. They are promising to do that while in prison the offense charged is not a misdemeanor but a felony. We are now here in this prison for three to five years and have no property or means to take an appeal.

Turn to Page 2 of column 2

Handwritten notes and signatures.

NOV 2 1934

**\$2000 Fine. Ordered
for Marx Brothers**

glad. Overcome and

The world would have been a

Continued on Page 4, Col. 4-1

"The organization of co-
labor's work has been made,"

Another is substituted in a higher
rank.

28-399-10

2 Mari Brothers Found Guilty

LOS ANGELES, Oct. 31.—(U.P.)—A nine-member jury rendered last afternoon's verdict in convicting Graciano and Chico Mari of violating the federal copyright law.

The brothers, among the highest paid comedians of radio and screen, were found guilty of converting to their own use a radio show which had been submitted to them for approval.

Faced with a penalty of \$1,000 fine or a year in jail, Chico and Graciano, who had their earlier show they went to court yesterday, announced they would seek a new trial immediately.

Federal Judge Congrave directed the comedians to appear in court Monday for sentence.

Graciano and Chico are accused in a federal indictment with charges of "willful" conversion from a radio show, "The Mari Brothers," written by Carroll and Conroy, to their own radio show.

Post Intelligence
Seattle, Washington
October 31, 1937

79 ds
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FEDERAL BUREAU OF INVESTIGATION

LOS ANGELES, CALIFORNIA

11-23-37	11-23-37	11-23-37
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CHANGED:
JULIUS H. BUCK, alias GEORGE BUCK
EDD BUCK, alias alias, etc.

Julius E. Marx surrendered to J. A. Gurnea, Los Angeles, 9-17-37; released on \$1000 bond. Denied he dissem. indictment against Carl Marx; admitted detained place of no quality 10-18-37. [redacted] former member of Hugo Boss Agency, stated Al Rosenberg paid \$750 through Louis Marx Agency for Experimental Division of Crown Brothers script in 1936. [redacted] formerly in charge of Ross' Garment Sales, stated Marx brothers selected one material for broadcast 2-1-38 from several possible scripts; attended rehearsals and were paid for services. [redacted] William Roy L. No. 1; both brothers deny or refuse as broadcast. Both subjects found guilty after trial by jury on 10-20-37. Sentenced 11-1-37 to 1000 days each and to stand qualified until 1941. [redacted]

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AT LOS ANGELES, CALIFORNIA.

JULIUS H. HERR, accompanied by his attorney, CHARLES E. HERR, appeared at the office of the U. S. Marshal in Los Angeles, Calif., on September 27, 1937, and was fingerprinted by the Marshal and assigned No. 5922. Millikan, on the same date, argued a motion to dismiss the indictment on the ground that it did not constitute a violation. At that time he declined to comment or permit his clients to comment to the agent regarding their possible defense. On the same date, Julius HERR was released on \$1,000.00 bond.

On October 18, 1937, a motion for dismissal was overruled, and both subjects entered pleas of not guilty. Date for trial was set at October 22, 1937.

Inquiry by the writer at the office of WILLIAM HERTY & COMPANY, 6800 Hollywood Blvd., revealed that [redacted] Los Angeles, presently a writer with Metro-Goldwyn-Mayer Studios, who with the HERR brothers were under contract at the time of the Canal Caravan broadcast on September 1, 1936, had been, on the last mentioned date, the executive of Mr. Herty & Company in charge of the advertising for the R. J. Reynolds Tobacco Co., and directly in charge of the Canal Caravan broadcast. b7c

[redacted] upon interview, stated that in August 1936, he recalls, was through the ZEPHYRUS HERR agency at Los Angeles he negotiated for the services of CHOUCHO, CHICO and HARPO HERR on the Canal Caravan broadcast for September 1, 1936; that the defendants in the instant case signed a contract with the William Herty & Company, Inc., and pursuant to the terms of that contract the defendants furnished their own script, which selection was made by them from a large number of scripts which they had in their possession. He stated that [redacted] was present with the defendants when the script was decided upon; that he personally witnessed the rehearsal and the broadcast; that there were two rehearsals preceding the general broadcast, both extending over a period of about two hours, and that both rehearsals were presented to the rehearsal and broadcast. He stated that because of his business connections he could not be sworn in as a witness but would testify to the facts above set forth. He also stated that to the best of his knowledge CHICO HERR held out for nothing except, other than the use of his name, presumably because he had some "father laugh", up to the time of the first rehearsal. [redacted] stated that the William Herty & Company, Inc., would contain the original contract with the HERR brothers, the contract was given to the HERR brothers for their participation in the program, and the "broadcast" script which copies of [redacted] were made by [redacted] and [redacted] by the William Herty & Company, Inc., copy of the contract was [redacted] b7c

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[redacted] presently in charge of the R. J. Reynolds Tobacco Company's account with William Eby & Co., Inc., stated that his records contained the original contract with the Marx brothers, which he displayed to the writer. This contract, dated August 28, 1936, provided for a broadcast on September 1, 1936, on the Camel Caravan, and with rehearsal dates from 8:00 to 10:00 P. M., August 31, 1936, and from 3:00 to 5:30 P. M., September 1, 1936, including the broadcast. The signatories, in addition to the William Eby & Company, were GEORGE, CHICO and HARPO and KRYPTO MARK, the contract being with Zeppo Marx covering the services of the other three. The contract specified that the artists George, Chico and Harpo should furnish their own material and should save the Reynolds Tobacco Company, the broadcasting company and William Eby & Company from any damages due to the use of such material. The sum specified in the contract, for which [redacted] informed agent, the Marx brothers received payment, was \$2,750.00. [redacted] requested that this amount be treated in strictest confidence, inasmuch as its publication during the course of the trial would embarrass the agency in its dealings with other artists. [redacted] stated that the cancelled check for the services of the Marx brothers had been destroyed.

[redacted] secretary to [redacted] stated that she had been secretary to [redacted] and typed up the contract with the Marx brothers and knew to her own knowledge that a check had been forwarded to the Zeppo Marx Agency for payment; that she was requested by William Eby & Company to keep a word-for-word record of the program as it was actually broadcast, and that she did so on the night of September 1, 1936. She displayed to agent an "as broadcast" script and stated that she would obtain from the William Eby & Company files a mimeographed copy of the original broadcast program instructions, in one of which the "as broadcast" script should appear, and that it was her script a translation of her own hand from the original "as broadcast" script.

[redacted] and [redacted] informed agent that in New York, at the time of the Camel Caravan broadcast, a record was kept of the program, but that they were unable to state whether or not that record was presently in existence. [redacted] stated that at the present time a record is made of Camel Caravan broadcasts in Hollywood.

The writer conferred with Assistant U. S. Attorney CHARLES W. [redacted] and [redacted] regard to the record of the broadcast, and was advised that it was to be necessary for an investigation to be conducted in New York City for the purpose of obtaining the record and the witnesses necessary to locate, identify and introduce in court, inasmuch as the "as broadcast" script was not evidence of the actual broadcast.

Mr. Burdley stated that the CHAMLIN brothers had informed him that [redacted] would be able to furnish information concerning the part which AL ROACH played in connection with the negotiations between the Marx Brothers and the Cohen Brothers in 1938.

██████████ was interviewed at the Hyman Salomick & Company, Inc., 9440 Wilshire Blvd., Beverly Hills, California, in the presence of his attorney, who he introduced as ██████████. He stated that in 1938 he was an employee of the Zoyzo Marx Agency, which was engaged in the business of mailing the artistic efforts of one Marx Bros.; that the agency, in 1938, negotiated with the Graham brothers for the use of the script entitled "The Hollywood Adventures of Mr. Bible and Mr. Dibble"; that the script was to be used by the Marx Bros. in a proposed radio broadcast, negotiations for which were underway in New York by one ██████████ who was working in conjunction with GUNDO MARK, the New York representative of the Zoyzo Marx Agency; that the Marx Bros., particularly GUNDO MARK, were pleased with the artistic efforts of AL BOASBERG, and preferred at that particular time to have Al Boasberg brush up any scripts which they need; that accordingly, Al Boasberg was retained by individuals unknown to him and had a conference with the Marx Bros. and the Graham brothers regarding the aforementioned script; that Boasberg turned to the writer, one JACKSON JIM JIM, efforts \$100.00, which was paid by ██████████ in New York to GUNDO MARK, who in turn paid the money to the Zoyzo Marx Agency in Hollywood, where ██████████ who is now with the agency, categorically refused to state that Boasberg

the LA Bank paid the money to the Lippa Marx Agency in Hollywood. [redacted] refused to state that Bonsterg had been retained by the Marx Bros. He stated that he could not verify that Bonsterg had any interest in the Graham brothers' copyright, and that he could not positively state that he [redacted] had informed the Marx Bros. that the material was copyrighted by the Graham brothers. He stated that his understanding was that Bonsterg would collaborate with the Graham Brothers on certain programs if the Marx Brothers' radio deal went through, but that he understood he had been compensated and that he had not seen the Graham Brothers there after with respect to their material.

██████████ was very frank in his remarks that he considered the
Marr brothers innocent of any crime, and felt that they could not be guilty
of the indictment as charged. In the opinion of the writer, ██████████ would be a
willing witness.

12. The Retail Merchants Credit Association, 2400 Vermont Blvd., Los Angeles, agent determined that JULIAN H. HALL, wife BETTY, of 712 North Hillcrest Road, Beverly Hills, California, and LEO HALL, wife BETTY, of 3414 E. LONGER, Los Angeles, had been named as parties defendant, together with the Motion Picture Theater Station, Loe's, Incorporated, and others, in a suit to Superior Court. Loe's also, in the sum of \$100,000.00, brought a suit in 1937, by HENRY BARNES and HELEN WILKINS for plagiarism to the movie "The Road." The records also indicated that LEO HALL had been defendant in the

small suits, one for \$200.00 damages and the other for \$140.00 on an account. It should be noted that newspaper stories regarding the murder of LEO BARNETT, Los Angeles gambler, indicated that a check bearing the signature of GUYO HARR was found on the person of the deceased Brumfield.

On October 20, 1937, the Barker case was continued over until the following day for trial because of congestion in Judge Cochrane's court. On October 20, 1937, a jury returned a verdict of guilty as to each of the defendants, and on November 1, 1937, Judge Cochrane sentenced the defendants to fines of \$1,000.00 each and to stand committed in the Los Angeles County Jail until paid.

A new trial was denied, and notice of appeal was filed and the appeal bonds were furnished by the defendants.

A description of subject JULIUS H. HARR, alias George HARR, as obtained from observation and records of the U. S. Marshal's office, is as follows:

Name	JULIUS H. HARR
Age	37 years
Height	5' 10"
Weight	157 lbs.
Build	Medium
Hair	Black
Eyes	Brown
Complexion	Fair
Scars and marks	None visible
Occupation	Actor
Residence	New York
Nationality	American
U. S. Marshal's	1937.

The Bureau has advised that there are no prior records of subject HARR or either of the subjects.

On November 1, 1937, the Bureau was advised of the sentences received by these subjects.

Disposition sheet is being submitted to the Bureau Bureau.

2 Marx Brothers File Appeal

Claiming they were convicted on evidence insufficient for a guilty verdict, Groucho and Chico Marx yesterday filed notice of appeal in their criminal plagiarism case.

The action was filed in the 9th and 10th Circuit Court of Appeals at San Francisco. Under their given names, Julius and Leo Groucho and Chico asserted that, besides "insufficient evidence," the indictment was faulty and errors were to be found in the brief and in instructions to the jury.

A jury in Federal Judge George Campbell's court deliberated less than an hour Saturday before returning a verdict in which the Marx brothers were found guilty of violating the copyright laws by "lifting" portions of radio material prepared by Chet and Gus Grant Graham, Hollywood writers. On Monday the Marx brothers appeared before Judge Campbell for sentence and were fined \$1000 each, suspending the full sentence until the jury could hear their appeal.

2 Marx Brothers File Appeal Here

**Comedians Seek to
Have Conviction
Set Aside**

Groucho and Chico Marx, two of the Marx Brothers, yesterday asked for another day in court in an effort to set aside a conviction for violation of the Federal copyright laws.

Through their attorneys, two-thirds of the Marx Brothers filed notice of appeal in the United States District Court here. A Federal jury in Los Angeles last week found them guilty of converting to their own use a radio show which had been submitted to them for approval.

Sentence of \$1,000 fine or 6 months in jail was pronounced.

6-10-35
7-10-35

EAS From ...

NOV 4 1935

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Marx Brothers Fined \$2000 In Radio Case

Groucho and Chico Marx, a pair of humor-faced comedians, were fined \$1000 each in Federal Court yesterday for criminal copyright infringement in the use of a radio and broadcast last year.

Fined three months each, Group Congress gave them the maximum for the first time in the case.

The Marxes, who are well-known radio personalities, were charged with having broadcasted copyrighted material without permission of the copyright owner.

**Wine Reduction
Of \$10,000 Bail**

The Marxes, who are well-known radio personalities, were charged with having broadcasted copyrighted material without permission of the copyright owner.

11

See
Direct

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U.S. DEPT. OF JUSTICE
Name and address of contributor

J. E. Hoover, Director
Division of Investigation
Department of Justice
Washington, D. C.

Lat. 37° 15' N. Long. 122° 45' W.

Dear Sir:

Following are the dispositions of cases in which fingerprints have been
mailed to the Division of Investigation:

Division File Number	Fprint Number	Name and Alias	Disposition
	100 1000	JULIUS H. MAUL, alias	\$1000 fine; to stand
	100 1000	MAUL, alias	committed to State Prison until mid.

100 1000
MAUL, alias

100 MAUL, alias CHICO
MAUL.

So.

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Mart Brothers Lose Fine Appeal

SAN FRANCISCO, April 22
—The convictions of
Gervase and Chico Mart of the
"Lone Star" chain, who in the Los
Angeles Federal Court were
sentenced to a three-year
term at the State Prison, San
Quentin, were affirmed today.
The brothers were found guilty of violating the
copyright law in connection with
the sale of a book in 1934. They
were fined \$500 each and ordered to
pay the cost of the appeal.

entry
Chico Mart

Man Brothers File Appeal in Radio Case

SAN FRANCISCO, April 7. (AP) — The appeal of two of the Mann brothers from their conviction on a criminal charge of copyright infringement was submitted today to the Federal Circuit Court.

The brothers, Gordon, whose true name was listed in the appeal as John, and Eric, whose name is Leo, were convicted in Los Angeles last year. They were accused by Carroll and Gustaf Graham of using a radio without permission and in violation of a copyright.

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Jury Indicts Two Marxes

Copyright Violation
Laid to Groucho and
Chico, Canadians

Groucho and Chico Marx, the Canadians, yesterday were named in an indictment returned by the Federal grand jury charging them of copyright infringement in connection with the use of a radio skit, and were ordered to post \$1000 bail each pending their appearance for pleading next Monday.

The indictment specifically charges the Marx brothers with having illegally given a radio skit over Station WJL and the Columbia Broadcasting System last September 1.

The skit was titled "The Marx Brothers' Adventures of Mr. Poppins and Mr. Poppins."

The indictment was brought against the Marx brothers by Herbert and Gust Graham, New York writers, who assert they wrote and copyrighted the skit in 1934 as the first of a series of twenty-six skits they planned to put on the air.

A civil action for \$1000 damages was filed by the Graham brothers in New York state court in October.

In granting the writ, the judge found the Marx brothers guilty of copyright infringement, including the use of the skit as written by Al Graham in collaboration with the Graham brothers, and that the skit was used by them with Graham's permission.

NOT SO FUNNY



Groucho Marx, above, was indicted yesterday with his brother Chico on copyright infringement charges.

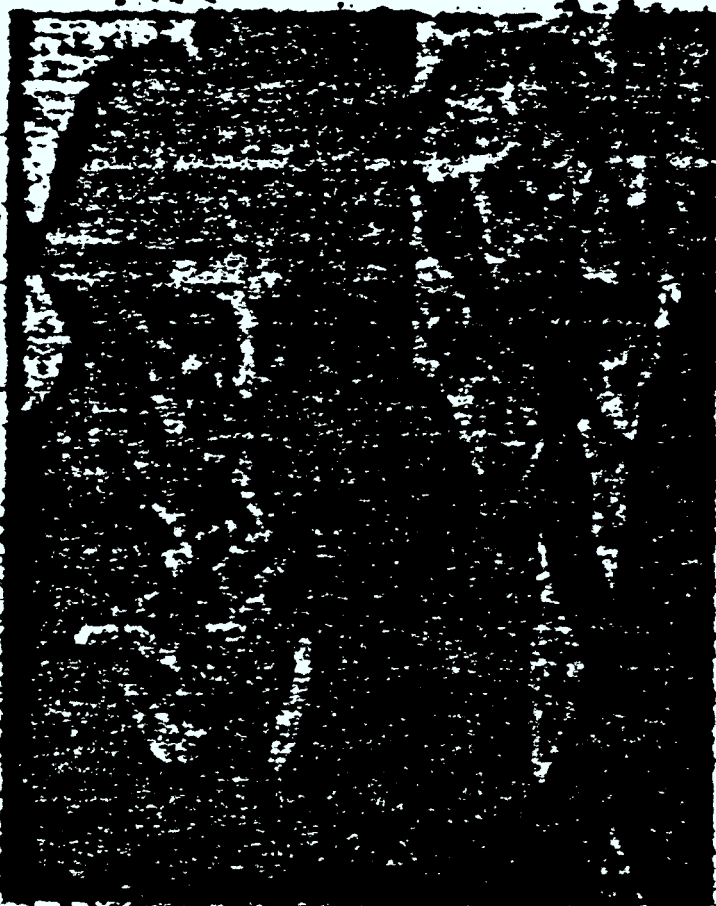


*Chico
Marx -
97*

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The Joke Is on Them



Mark Boys To Answer Jury Charges

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CHICO MARX FINGERPRINTED

Chico Marx, accused with his brother, Groucho, in a Federal indictment returned Wednesday charging copyright infringement, surrendered at the United States marshal's office yesterday.

After being fingerprinted, he posted \$2500 surety bond.

Groucho, he said, is en route to Honolulu, and will surrender on his return.

The Marx brothers have alleged

to have obtained a radio for last September. "The National Adventure of Mr. Cohen and Mr. Cohen" without the permission of Garret and Garret Cohen, who claim to be the authors.

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• Marries Appeal

SAN FRANCISCO, Nov. 6—Charles and Olive Hart, his wife, yesterday filed notice of appeal in Ninth Circuit Court of Appeals from a Federal conviction on a charge of conspiracy.

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